

Case No. 3:14-CV-1945
Gwin, J.

In this case, neither party has objected to the R&R. Moreover, having conducted its own review of the record in this case, this Court agrees with the conclusions of Magistrate Judge Burke.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference. The Court **DISMISSES WITH PREJUDICE** Banks' petition and **DENIES** his motion for stay and abeyance. Moreover, the Court certifies that an appeal from this decision could not be taken in good faith and that no basis exists upon which to issue a certificate of appealability under [28 U.S.C. § 1915\(a\)\(3\)](#).^{8/}

IT IS SO ORDERED.

Dated: December 18, 2015

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{8/}[28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).